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6                   UNITED STATES DISTRICT COURT  
7                   EASTERN DISTRICT OF WASHINGTON  
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9                   MARIA DE LA O, et al.,  
10                   Plaintiffs,  
11                   v.  
12                   ROBIN ARNOLD-WILLIAMS, et  
13                   al.,  
14                   Defendants.

15                   NO. CV-04-0192-EFS

16                   **ORDER GRANTING MOTION TO AMEND  
17                   COMPLAINTS AND DENYING STAY  
18                   REQUESTS**

19                   MARIA FERNANDEZ, et al.,  
20                   Plaintiffs,  
21                   v.  
22                   DEPARTMENT OF SOCIAL AND  
23                   HEALTH SERVICES, et al.,  
24                   Defendants.

25                   [NO. CV-05-0280-EFS]

26                   On May 29, 2007, the Plaintiffs and Defendants entered into a  
27 Stipulation of Dismissal and to Permit Filing of Amended Complaint (Ct.  
28 Rec. 720). Plaintiffs seek to dismiss Judy Esser, Randall Blackburn, and  
29 Steve Jensen (hereinafter "the individual Mattawa Defendants"). The  
30 individual Mattawa Defendants previously filed a Notice of Appeal  
31 regarding the Court's denial of qualified immunity. (Ct. Rec. 568.)  
32 Generally, such an appeal would deprive this Court of jurisdiction over

1 matters involved in the appeal, thereby requiring a stay of this  
2 proceeding, as was previously requested by Defendants. See *Behrens v.*  
3 *Pelletier*, 516 U.S. 299 (1996); *Mitchell v. Forsyth*, 472 U.S. 511 (1985).  
4 However, the appeal does not prevent the parties from entering into a  
5 stipulation. As a result of this stipulation, not only are the claims  
6 against the individual Mattawa Defendants dismissed, but the individual  
7 Mattawa Defendants dismiss their counterclaims as well. Given that this  
8 stipulation moots the appeal, the Court determines (1) it has authority  
9 to allow Plaintiffs to amend their Complaints consistent with this  
10 stipulation and (2) a stay is unnecessary. Accordingly, **IT IS HEREBY**

11 **ORDERED:**

12 1. Plaintiffs' Motion to Amend Plaintiffs' Complaints by  
13 Dismissing Fourth Amendment Claims Against Defendants Esser, Jensen, and  
14 Blackburn (**Ct. Rec. 643**) is **GRANTED** given the parties stipulation.  
15 Plaintiffs are directed to electronically file their proposed amended  
16 complaints (Ct. Recs. 692 & 696) using the "amended complaint" event in  
17 the appropriate case file.

18 2. State Defendants' Motion to Stay (**Ct. Rec. 619**) and Mattawa  
19 Defendants' Motion to Set Aside (Vacate) Current Scheduling Order (**Ct.**  
20 **Rec. 624**) are **DENIED AS MOOT**.

21 3. If the parties have not already done so, they shall advise the  
22 Ninth Circuit of the parties' stipulation and provide a copy thereof if  
23 necessary.

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**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order and provide copies to counsel.

**DATED** this 1st day of June 2007.

S/ Edward F. Shea  
EDWARD F. SHEA  
United States District Judge

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